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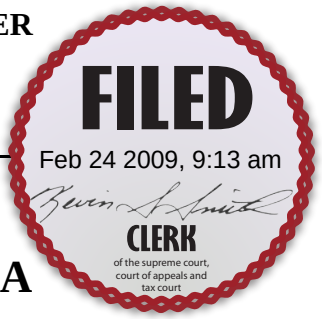

IN THE COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP OF N.W., M.P., and B.W., Minor Children, and SHYRA P., Mother,	)	
SHYRA P.,	)	
Appellant-Respondent,	)	
vs.	)	No. 02A03-0808-JV-385
DEPARTMENT OF CHILD SERVICES,	)	
Appellee-Petitioner.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Charles F. Pratt, Judge
The Honorable Edward J. Nemeth, Magistrate
Cause Nos. 02D07-0709-JT-184, 02D07-0709-JT-185 and 02D07-0709-JT-186

February 24, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Appellant Shyra P. ("Mother") appeals the involuntary termination of her parental rights, in Allen Superior Court, to her children M.P., N.W., and B.W. (collectively, "the children"). Mother challenges the sufficiency of the evidence supporting the trial court's judgment. We affirm.

Mother is the biological mother of several children, including but not limited to M.P., born on April 30, 2001, N.W., born on February 25, 2004, and B.W., born on January 20, 2005.[1] On or about June 3, 2005, Fort Wayne police officers were dispatched to Mother's apartment complex because gun shots had been fired near Mother's residence. While on the scene, the police discovered Mother had left her children home alone. The children were observed sleeping on mattresses on the floor with no sheets, pillows, or blankets. The home was filthy, there were three bags of open trash behind the couch, and there was a pile of dirt and trash in the kitchen. Police officers also observed marijuana on a table inside the residence. The children were taken into protective custody by the Allen County Department of Child Services ("ACDCS"), and Mother was later arrested on charges related to

[1] Brandon W., biological father of N.W. and B.W., voluntarily relinquished his paternal rights to his biological children during the second day of the involuntary termination fact-finding hearing. Paternity as to M.P. was never established; however, Mother alleged Sontana V. (a.k.a. Francisco V.) is M.P.'s biological father. Sontana V. never appeared at any of the proceedings below. The trial court terminated the parent-child relationship between M.P. and Sontana V., as well as alleged father Francisco V. and any Unknown Father, in its judgment. None of the children's biological or alleged fathers participate in this appeal. Consequently, we limit our recitation of the facts to those pertinent solely to Mother's appeal.

possession of marijuana.[2]

On June 7, 2005, a detention hearing was held, after which the trial court determined there was probable cause to believe the children were children in need of services ("CHINS"). The trial court therefore ordered that the children be placed in licensed foster care and that Mother be granted supervised visitation privileges. Various other provisional orders directed Mother to, among other things, (1) refrain from all criminal activity, (2) maintain clean, safe, and appropriate housing, and (3) submit to a psychological evaluation and a drug and alcohol assessment and to follow any resulting recommendations. The children were adjudicated CHINS on July 6, 2005. A dispositional hearing was held the same day, after which the trial court issued its dispositional order.

On February 8, 2006, a new CHINS petition was filed when the ACDCS discovered Mother had recently given birth to another child, O.W. An initial hearing on the new CHINS petition was held on February 15, 2006. During the initial hearing, Mother admitted to various allegations contained in the petition, including, (1) that her four older children were currently placed in licensed foster care, (2) that she had not been consistent in following the court's previous order to participate in the Parents and Partners Program offered by Stop Child Abuse Now ("SCAN"), and (3) that she did not have safe and stable housing for herself and O.W. The trial court proceeded to disposition and modified its previous Parent Participation Plan. The new plan re-directed Mother to, among other things, refrain from

[2] A fourth child of Mother's, B.P., was also taken into protective custody. This child, however, is not subject to this appeal.

criminal activity, obtain suitable employment, maintain clean, safe, and appropriate housing, successfully complete SCAN's Parents and Partners Program, which included a parenting class, continue classes and obtain her G.E.D, and submit to a psychological assessment at Park Center and follow all resulting physician recommendations. The trial court then determined that Mother was willing and able to comply with its modified Parent Participation Plan. The court therefore ordered that all the children be returned to Mother's care and that Mother continue to receive home-based services.

Approximately one month later, on March 31, 2006, the ACDCS took the children into protective custody after learning of the death of then three-month-old O.W. Following an investigation, it was determined that O.W. died from Sudden Infant Death Syndrome ("SIDS"). M.P., N.W., and B.W. were returned to Mother on April 11, 2006.

In January 2007, an incident involving the reckless discharge of a firearm occurred at Mother's home while the children were present. When police officers arrived on the scene, they discovered two loaded guns, one downstairs where the children were playing and one upstairs in one of the children's rooms. In addition, bullets had been spilled all over the floor and were accessible to the children. As a result of this incident, on January 25, 2007, Mother agreed to and signed a safety plan. The safety plan prohibited any and all firearms from being kept at the family residence or allowed onto the premises. The safety plan also prohibited anyone other than the immediate family or approved daycare providers from visiting the residence. The children were removed from Mother's care the following day after police officers, who had returned to the family home to conduct a safety check, alerted

the ACDCS that Mother's brother and other unapproved individuals had been observed in the home. On January 30, 2007, the trial court conducted a detention hearing and issued an order formally placing the children back in licensed foster care. The children remained in foster care until the date of the termination hearing.

As a result of this incident, the ACDCS filed a third CHINS petition. Mother admitted to having violated the safety plan during the initial dispositional hearing held on February 27, 2007. The trial court proceeded to disposition the same day and Mother was again directed to comply with the court's Parent Participation Plan. In addition, Mother was ordered to complete an in-home parenting program offered through Caring About People, Inc. ("CAP"), by March 27, 2007, and to participate in individual and family counseling.

On July 9, 2007, Mother was arrested on battery charges for allegedly stabbing her husband, Brandon W., during an altercation that occurred at the family residence after the parents had been drinking alcohol and smoking marijuana. Mother, who has remained incarcerated since the time of her arrest, was later convicted of battery. At the time of her arrest, Mother had failed to complete the CAP in-home parenting program. She had also failed to consistently participate in an individual counseling program, having attended only two sessions despite having received referrals, both in January and in February of that same year, to two potential providers.

Following a permanency hearing held on September 13, 2007, the trial court ordered that the permanency plan for the children be changed from reunification with Mother to termination of Mother's parental rights. The ACDCS subsequently filed petitions seeking the

involuntary termination of Mother's parental rights to the children. A two-day fact-finding hearing on the termination petitions commenced on December 12, 2007, and was completed on February 27, 2008.

During the hearing, ACDCS case manager Ariane Beasley informed the court that she had continuing concerns regarding Mother's ability to properly care for the children. Beasley's concerns were based on the facts Mother had failed to complete home-based services with SCAN, had never been able to obtain employment throughout the duration of the CHINS case, had never resolved her anger issues, and had never successfully completed a substance abuse program. At the conclusion of the termination hearing, the trial court took the matter under advisement. On May 27, 2008, the trial court issued three judgments terminating Mother's parental rights to M.P., N.W., and B.W. under separate cause numbers. This appeal ensued.

Mother asserts that the trial court's judgments are not supported by clear and convincing evidence. Specifically, Mother claims the ACDCS failed to prove by clear and convincing evidence (1) that there is a reasonable probability the conditions resulting in the children's removal will not be remedied, (2) that termination of the parent-child relationship is in the children's best interests, and (3) that the ACDCS has a satisfactory plan for the care and treatment of the children.

We begin our review by acknowledging that this Court has long had a highly deferential standard of review in cases concerning the termination of parental rights. *In re K.S.*, 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). Thus, when reviewing the termination of

parental rights, we will neither reweigh the evidence nor judge the credibility of the witnesses. *In re D.D.*, 804 N.E.2d 258, 264 (Ind. Ct. App. 2004), *trans. denied*. We consider only the evidence and reasonable inferences that are most favorable to the judgment. *Id.*

Here, the trial court made specific findings and conclusions in terminating Mother's parental rights. Where the trial court enters specific findings of fact and conclusions thereon, we must first determine whether the evidence supports the findings. *Id.* Then, we determine whether the findings support the judgment. *Id.* We will not set aside the trial court's judgment terminating parental rights unless it is clearly erroneous. *Rowlett v. Vanderburgh County Office of Family & Children*, 841 N.E.2d 615, 620 (Ind. Ct. App. 2006), *trans. denied*. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. *D.D.*, 804 N.E.2d at 264. A judgment is clearly erroneous only if the findings of fact do not support the trial court's conclusions thereon, or the conclusions do not support the judgment. *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996).

"The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution." *In re M.B.*, 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), *trans. denied*. However, these parental interests are not absolute and must be subordinated to the children's interests when determining the proper disposition of a petition to terminate parental rights. *Id.* Parental rights may be terminated when the parents are unable or unwilling to meet their parental responsibilities. *K.S.*, 750 N.E.2d at 836.

In order to terminate a parent-child relationship, the State is required to allege, among other things, that:

> (B) there is a reasonable probability that:
> (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
> (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child;
> (C) termination is in the best interests of the child; and
> (D) there is a satisfactory plan for the care and treatment of the child.

Ind. Code § 31-35-2-4(b)(2) (2007). The State must establish each of these allegations by clear and convincing evidence. *Egly v. Blackford County Dep't of Pub. Welfare*, 592 N.E.2d 1232, 1234 (Ind. 1992).

A. Reasonable Probability Conditions Will Not Be Remedied

In her Appellant's Brief, Mother acknowledges that the children have been removed from her care on multiple occasions since 2005, but contends the mere fact the children have been returned to her care in the past proves she has benefitted from services. Mother further asserts that "[b]ut for her criminal behavior, she was continually in substantial compliance with the plan up to September of 2007." Appellant's Br. at 15. Finally, although Mother admits that "the evidence at trial does support the court's observation of repetition," Mother claims that her participation in substance abuse classes and various other programs while in jail proves she is willing and capable of complying with the Parent Participation Plan. *Id.* Mother therefore claims the trial court committed reversible error in finding there is a reasonable probability the conditions resulting in the children's removal from her care will not be remedied.

We pause to note that Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive. Thus, the ACDCS was required to establish, by clear and convincing evidence, only one of the two requirements of subsection (B). *See In re L.S.*, 717 N.E.2d 204, 209 (Ind. Ct. App. 1999), *trans. denied* (2000), *cert. denied* (2002). Here, the trial court found both prongs of subsection (B) were satisfied. Mother, however, does not challenge the trial court's finding that continuation of the parent-child relationship poses a threat to the children's well-being in her brief to this Court. In failing to do so, Mother has waived review of this issue. *See Davis v. State*, 835 N.E.2d 1102, 1113 (Ind. Ct. App. 2005) (concluding that failure to present a cogent argument or citation to authority constitutes waiver of issue for appellate review), *trans. denied* (2006). Waiver notwithstanding, given our preference for resolving a case on its merits, we will nonetheless review Mother's allegation of error.

When determining whether a reasonable probability exists that the conditions justifying a child's removal from the family home will not be remedied, the trial court must judge a parent's fitness to care for his or her child at the time of the termination hearing, taking into consideration evidence of changed conditions. *In re J.T.*, 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), *trans. denied*. The trial court must also "evaluate the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child." *Id.* Pursuant to this rule, courts have properly considered evidence of a parent's prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. *A.F. v. Marion County Office of Family & Children*, 762 N.E.2d 1244, 1251 (Ind. Ct. App. 2002), *trans. denied*. The trial court may

also properly consider the services offered to the parent by a county Department of Child Services, and the parent's response to those services, as evidence of whether conditions will be remedied. *Id.* Finally, we point out that a county Department of Child Services (here, the ACDCS) is not required to provide evidence ruling out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent's behavior will not change. *In re Kay L.*, 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

In its judgments, the trial court specifically found that, prior to her incarceration, Mother failed to complete a number of court-ordered services, including parenting classes and individual counseling. The court further found that Mother had missed multiple visits with the children and had failed to secure employment, despite having been offered assistance in making job interview appointments. The trial court also made the following additional pertinent findings and conclusions:

> 9. The current underlying basis for [the children] being [CHINS] is not the first. . . . On August 14, 2003, an Initial-Dispositional Hearing was held and the children were adjudicated CHINS based on [Mother's] admissions that she was incarcerated; the home was without an adequate food supply; the home had roaches in it; the children were found in soaked diapers; the Mother had a lengthy delinquent history; and was unemployed and unable to care for the children. A Dispositional Decree ordered [Mother] to participate in a variety of services that included home[-]based services, parenting classes, completion of a G.E.D., and completion of a psychological examination. [Mother] was found in substantial compliance at the Review Hearing of December 1, 2003, and the wardship was terminated on April 22, 2004. Despite the provision of services the children were again removed from [Mother's] care and adjudicated CHINS for similar circumstances within less than a year.
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> 12. [Mother] is presently incarcerated for stabbing Brandon [W.]. The incident occurred on or about July 9, 2007[,] during an argument that

followed a period during which they were drinking alcohol and using marijuana.

13. In January[] 2007[,] a safety plan was established for the protection of the children. On or about January 26, 2007, [Mother] violated the plan by permitting the children to be in a home where guns and ammunition were found. In addition[,] adults[] other than [Mother] and Brandon [W.] were in the home.

. . . .

15. An assessment of [Mother] was completed by CAP representative Stephanie Furnas. [Mother] was diagnosed with adjustment disorder with mixed mood and child relational problems. Ms. Furnas expressed concern with regard to [Mother's] ability to respond to stress and [Furnas] indicated that [Mother] needed individual counseling, parenting classes, and to address substance abuse issues.

. . . .

18. [Mother] visited with her children eighteen of the thirty-three scheduled visits. According to the testimony of [Furnas], the [C]ourt finds that [Mother's] visits with the child[ren] ranged from a loving experience to which the child[ren] cautiously responded[,] to visits that were problematic.

. . . .

20. Since being in prison, [Mother] has completed parenting classes, her G.E.D., and non-violent classes. She is in substance abuse counseling, individual counseling, and Bible classes. She hopes to be released under house arrest to a woman she calls her "spiritual mother[.]" However, she may be placed on work release or placed in a half-way house.

TO THE ABOVE FINDINGS OF FACT THE COURT . . . CONCLUDES THAT:

. . . .

4. By the clear and convincing evidence[,] the [C]ourt determines that there is a reasonable probability that [the] reasons that brought about the [children's] placement outside the home will not be remedied. . . . Despite a lengthy period[] that services were provided[,] [Mother] has shown a cycle of behavior that has included incarcerations for criminal offenses, domestic violence, unemployment, substance abuse, and unstable housing. [Mother] has not demonstrated an ability to benefit from services. Her most recent cooperation with the provision of services [has] occurred in the structure[d] environment of prison. Any test of the level by which she has benefitted from those interventions

> will come at the expense of further delay [of] providing the children with permanency.

Appellant's App. at 53-55.[3] The evidence most favorable to the judgments supports these findings, which in turn support the trial court's ultimate decision to terminate Mother's parental rights to the children.

The record reveals that Mother has a lengthy history of involvement with the ACDCS, resulting in the children being repeatedly removed from her care. Regarding the underlying facts of the present case, M.P., N.W., and B.W. were initially removed from Mother's care in June 2005 due to Mother's neglectful conduct in leaving the children home alone, her failure to provide them with a clean living environment and other life necessities such as clean bedding, and her inability to care for the children due to her arrest and incarceration on drug-related charges. The children were subsequently returned to Mother's care and then removed again on at least two additional occasions. At the time of the termination hearing approximately three years later, Mother was still unable to provide the children with the minimal necessities of life, including proper supervision and a safe and stable home environment.

Despite a wealth of services available to her, Mother failed to successfully accomplish a majority of the dispositional goals by the time of the termination hearing. For example, Mother never obtained employment. Mother also failed to complete parenting classes, failed

[3] We note that although the trial court issued separate judgments under different cause numbers for each child, the language quoted in this opinion is identical in each judgment, other than the names and the enumeration of the findings.

to successfully participate in individual counseling to address her anger issues and personality disorders, and failed to exercise regular visitation with the children. Also significant, at the time of the termination hearing, Mother was once again incarcerated and therefore unavailable to parent the children. Although Mother was scheduled to be released from jail in April of 2007, she admitted during the termination hearing that she was not only unsure of where she would live upon her release, but that she had not yet secured a job, and that, depending on the type of re-entry program the criminal court imposed, she may be prohibited from obtaining custody of the children for an unknown period of time following her release. Although we commend Mother for attempting to improve herself while incarcerated, as explained previously, the trial court was required to judge Mother's fitness to care for the children as of the time of the termination hearing. *See J.T.*, 742 N.E.2d at 512.

Additional evidence showing that there is a reasonable probability the conditions resulting in the children's removal from Mother's care will not be remedied came from Erika McCuiston. McCuiston provided Mother with home-based services as part of SCAN's Parents and Partners Program. McCuiston testified that she and Mother had set several goals including (1) to achieve stability in the home environment, (2) to obtain employment, and (3) to improve Mother's parenting techniques. When questioned as to whether Mother had met any of these goals, McCuiston answered, "No[.]" Tr. at 117.

Similarly, ACDCS case manager Ariane Beasley described Mother's participation in services as "marginally compliant." *Id*. at 187. Beasley went on to acknowledge that being compliant with court-ordered services requires more than simply "going through the

motions" of attending appointments and further testified that although Mother participated in the Parents and Partners Program for approximately two years, she felt Mother had not benefitted from the services offered. *Id.* at 187-88. Beasley also expressed concern over the fact that Mother was currently in jail for stabbing her husband. Finally, in explaining why she recommended terminating Mother's parental rights, Beasley stated, "[W]e have assisted [Mother] . . . for a long time. . . . [W]e have referred her to services that she needed to complete and she hasn't completed them. We continue[d] to encourage her . . . in order to get her children back[,] and she just has not done it." *Id.* at 171-72.

"A pattern of unwillingness to deal with parenting problems and to cooperate with those providing services, in conjunction with unchanged conditions, supports a finding that there exists no reasonable probability that the conditions will change." *Lang v. Starke County Office of Family & Children*, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), *trans. denied*. Moreover, as previously explained, a trial court must judge a parent's fitness to care for his or her children at the time of the termination hearing, taking into consideration the parent's *habitual patterns of conduct* to determine the probability of future neglect or deprivation of the children. *D.D.*, 804 N.E.2d at 266. The trial court was responsible for judging Mother's credibility and weighing her testimony of changed conditions against the evidence demonstrating Mother's habitual pattern of neglectful conduct in participating in criminal activity and in failing to provide a safe, clean, and nurturing home environment for the children. It is clear from the language of the judgment that the trial court considered the evidence of the former, but gave more weight to the evidence of the latter, which it was

entitled to do. *See Bergman v. Knox County Office of Family & Children*, 750 N.E.2d 809, 812 (Ind. Ct. App. 2001) (concluding trial court was permitted to and in fact gave more weight to abundant evidence of mother's pattern of conduct in neglecting her children during several years prior to termination hearing than to mother's testimony that she had changed her life to better accommodate children's needs). Moreover, Mother's argument on appeal that her participation in various classes while incarcerated proves that she will remedy the conditions that resulted in the children's removal from her care amount to an invitation to reweigh the evidence, and this we may not do. *D.D.*, 804 N.E.2d at 264; *see also In re L.V.N.*, 799 N.E.2d 63, 68-71 (Ind. Ct. App. 2003) (concluding that mother's argument that conditions had changed and that she was now drug-free constituted an impermissible invitation to reweigh the evidence). Based on the foregoing, we conclude that the trial court's determination that there is a reasonable probability the conditions resulting in the children's removal from Mother's care will not be remedied is supported by clear and convincing evidence.

B. Best Interests of the Child

We next turn our attention to Mother's allegation that the ACDCS failed to provide sufficient evidence that termination of her parental rights is in the children's best interests. We are mindful that, in determining what is in the best interests of a child, the trial court is required to look beyond the factors identified by the Department of Child Services and look to the totality of the evidence. *McBride v. Monroe County Office of Family & Children*, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). In so doing, the trial court must subordinate the

interests of the parent to those of the child. *Id.* The trial court need not wait until a child is irreversibly harmed before terminating the parent-child relationship. *Id.* In addition, we have previously held that the recommendations of the case manager and child advocate to terminate parental rights, in addition to evidence that the conditions resulting in removal will not be remedied, is sufficient to show by clear and convincing evidence that termination is in the child's best interests. *In re M.M.*, 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

In addition to the court's specific findings set forth previously, the trial court made several additional pertinent findings and conclusions in deciding that termination of Mother's parental rights is in M.P., N.W., and B.W.'s best interests:

> 19. According to the child[ren's] CASA representative[,] termination of the parent-child relationship is in the [children's] best interests. In support of that conclusion, CASA Director Rex McFarren cited the fact that . . . over a protracted period of time[,] services have been provided to [Mother]. However, [Mother] has not been able to maintain safe, secure, consistent housing for the children. He also notes that [Mother] has had significant traumas in her life that have affected her emotional well[-]being for which she has not consistently sought therapy.
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> 21. If released to a half-way house[,] the children could not be [returned] to [Mother's] care for approximately eighteen months. If [Mother] is placed in the home of her spiritual mother, the children would b[e] permitted to be in her care sooner.
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> TO THE ABOVE FINDINGS OF FACT THE COURT . . . CONCLUDES THAT:
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> 5. The [C]ourt concludes that through termination of the parent[-]child relationship, the [children] can be placed in a safe[,] permanent home. Thus, the child[ren's] best interests are served by granting the petition to terminate . . . .

Appellant's App. at 54-55. These findings are also supported by the evidence.

The record reveals that both the ACDCS case manager and the court-appointed special advocate ("CASA") recommended termination of Mother's parental rights. In so doing, Beasley testified, "[T]he children need some kind of permanency. . . . [T]hey've been removed for almost a year this time and then before for quite a bit." Tr. at 172. Beasley further explained, "[I]t's getting to the point where the children are getting older and need somewhere that they can call home. . . ." *Id.* Likewise, CASA Rex McFarren informed the court:

> It is CASA's assessment that this case has been opened for almost three years. . . . [T]he children have been removed, returned, removed again, . . . and the parents have been unable to benefit from services that they were court[-]ordered to . . . comply with. . . . [M]other is incarcerated and unable to care for her children. These children deserve permanency. We have a . . . perspective (sic) adoptive parent and it is in the children's best interest[s] to allow them to have a permanent home at this point in time.

Id. at 201.

Based on the totality of the evidence, including Mother's current incarceration, her unresolved substance abuse and anger management problems, as well as her failure to complete or benefit from a majority of the services available to her throughout the duration of the CHINS proceedings, coupled with the testimony from both Beasley and McFarren recommending termination of the parent-child relationships, we conclude that there is sufficient evidence to support the trial court's determination that termination of Mother's parental rights is in the children's best interests. *See, e.g.*, *In re A.I.*, 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of CASA and family case manager, coupled with evidence that conditions resulting in continued placement outside the home will not be

remedied, is sufficient to prove by clear and convincing evidence termination is in child's best interests), *trans. denied*; *see also McBride*, 798 N.E.2d at 203 (concluding that clear and convincing evidence supported trial court's termination of parental rights where children's caseworker and CASA testified as to children's need for permanency).

C. Satisfactory Plan

Mother's final contention is that the ACDCS failed to prove it had a satisfactory plan for the care and treatment of the children following the termination of her parental rights. Specifically, Mother admits she is "mindful that the State did present evidence that the plan for the children [is] adoption[,]" but nevertheless argues that "there was no evidence presented that the children are likely candidates for successful adoption[,]" or that "anyone had an interest in adopting the children." Appellant's Br. at 19-20. Mother therefore asserts there is insufficient evidence of a satisfactory plan for the care of the children.

For a trial court to terminate a parent-child relationship, the court must first find that there is a satisfactory plan for the care and treatment of the child. Ind. Code § 31-35-2-4(b)(2)(D). This plan need not be detailed, "so long as it offers a general sense of the direction in which the child will be going after the parent-child relationship is terminated." *Lang*, 861 N.E.2d at 374. During the termination hearing, Beasley testified that the ACDCS's plan of care for the children is adoption. McFarren testified that there was a "[pro]spective adoptive parent" for the children. Tr. at 201. In light of this evidence, we conclude that the plan articulated by the ACDCS calling for the adoption of the children is satisfactory. *See Castro v. State Office of Family & Children*, 842 N.E.2d 367, 378 (Ind. Ct.

App. 2006) (stating adoption is generally a satisfactory plan for the care and treatment of children after termination of parental rights), *trans. denied*.

Conclusion

A thorough review of the record leaves us convinced that the trial court's judgments terminating Mother's parental rights to M.P., N.W., and B.W. are supported by clear and convincing evidence. Mother, who was incarcerated at the time of the termination hearing, has failed to make any significant improvement in her ability to care for her children despite having received years of extensive services designed to help her achieve reunification. It is unfair to ask the children to continue to wait until Mother is willing and able to obtain, and benefit from, the help that she needs. *See In re Campbell*, 534 N.E.2d 273, 275 (Ind. Ct. App. 1989) (stating that court was unwilling to put children "on a shelf" until their mother was capable of caring for them). We will reverse a termination of parental rights "'only upon a showing of 'clear error' – that which leaves us with a definite and firm conviction that a mistake has been made.'" *Matter of A.N.J.*, 690 N.E.2d 716, 722 (Ind. Ct. App. 1997) (*quoting Egly*, 592 N.E.2d at 1235). We find no such error here.

Affirmed.

ROBB, J., and BROWN, J., concur.